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The Honourable John McKay

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● (1150)

[English]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): Ladies and gentlemen, I see a quorum.

It's 10 minutes to 12:00. I apologize to our witnesses for the interruption by the vote. However, it is the time of year when these things happen.

We've had to make some adjustments. We're going to have just one panel with everybody. I appreciate that this may not be optimum for some; however, in order to make up some time, that's what we're going to do.

I want to see whether there's any appetite to reduce the seven-minute rounds to five, bearing in mind that the burden would be on Mr. Dubé. If not, we'll just stick with the same round.

No? Okay. He's a tough guy, that Mr. Dubé.

Do you want to end up with another five, Matthew?

Mr. Matthew Dubé (Beloeil—Chambly, NDP): If that's amenable to the committee, that works as well.

The Chair: Are you fine with that, colleagues?

Some hon. members: Agreed.

The Chair: We'll just do five minutes. That way, we'll hopefully make up some time.

One final thing that I want to mention is that, in our voting last week, we voted on a motion by Mr. Motz that had not actually been tabled. Therefore, the vote is null.

Your motion is still a live vote.

With that, I'm going to ask Dr. Drummond, who has patiently waited in Calgary for the better part of an hour, to lead, in the anticipation that we don't always get co-operation from our technical services.

Colleagues, is there an appetite to extend by half an hour until 1:30?

Seeing no negatives, I'm going to assume that we're going to 1:30, assuming that there are no other votes between now and then.

Again, Dr. Drummond, if you would begin, please. You and Dr. Kapur have 10 minutes between you.

Dr. Alan Drummond (Canadian Association of Emergency Physicians): Thanks so much.

Dr. Kapur is an emergency physician at the Ottawa Hospital. I am a rural family physician in Perth, Ontario, so we bring both ends of the spectrum to this discussion.

We're representing the Canadian Association of Emergency Physicians, which is the national specialty society of emergency medicine in Canada, representing 2,500 physicians, and looking after 16 million people in Canada on an annual basis.

For us, this whole discussion of firearms is a public health and safety issue. We appreciate that crime is an issue for many of our citizens, but for us, principally this is an issue of preventing suicide, of reducing the lethality of intimate partner violence, and also making sure we can prevent unintentional pediatric injury.

In Canada, suicide is the second-leading cause of death among those aged 15 to 34, and the lethality of firearms as a suicide method is incontestable. Eighty per cent of all firearm deaths in Canada are related to suicide, and 500 Canadians commit suicide on an annual basis with the use of firearms. Between 2003 and 2012, at least 6,000 Canadians ended their lives with guns. Canada has one of the highest rates of suicide by firearms in the entire developed world.

There is strong scientific evidence that a gun in the home increases the risk of suicide by firearm. More recently, it has been shown that for every 10% decline in gun ownership, firearm suicides drop by 4.2% overall.

Firearms are responsible for somewhere between 21% and 31% of intimate partner homicides, and rifles and shotguns, the common firearms in Canada, are used in 62% of all spousal homicides. Keeping a gun in the home is a risk for spousal homicide.

Again, this is an issue for us, not of access to firearms and whether ownership is the issue, but rather keeping guns out of the hands of individuals who are at risk.

CAEP has previously produced two position papers relating to firearm violence in Canada. This is our third appearance before a committee since 1995 on the same issue, and it remains an issue of major concern for our members.

With respect to the bill that's currently being discussed, our response to the proposed legislation is one of overall general support, while noting that in our view the bill does not go far enough. We agree entirely that there should be an enhanced screening provision, or at least expansion of the timeline for seeking clinical red flags. That resonates with us a great deal.

We agree entirely that there must be rigorous screening and restriction of licensing for those individuals who are deemed at risk. We would suggest that we take that one step further overall, that there be mandatory reporting by physicians of those individuals who own firearms who are deemed to be at risk by virtue of mental illness, psychosis, substance abuse, or previous history of intimate partner violence. This would allow for identification of individuals at risk, and the restriction of their owning firearms, even if it's on a temporary basis during the period of initial treatment.

We would like to see safe storage provisions become more meaningful through assessment and documentation that they actually exist, and perhaps greater emphasis on gun locks. Any prevention attempts should focus on education, on engineering, and enforcement. The idea of safe storage is probably quite key, and making sure that, on the purchase or the collection of a firearm, that the safe storage provisions are actually being used.

We would suggest greater research into firearm-related injury and death so that scientific data, rather than opinion, guide future efforts at making Canadians safer.

Last, we would like to see greater educational efforts for the public and the medical profession on the roles of firearms and their role in completed suicides.

That concludes my presentation. Thank you.

● (1155)

The Chair: Dr. Kapur, you have a little more than five minutes.

Dr. Atul Kapur (Canadian Association of Emergency Physicians): Thank you.

I think Dr. Drummond has covered the situation well, and in the interests of time, I don't need to add to that.

The Chair: Thank you very much.

With that, I'll turn to the Canadian Association of Chiefs of Police and ask them for their testimony.

[*Translation*]

Mr. Mario Harel (President, Director, Gatineau Police Service, Canadian Association of Chiefs of Police): Mr. Chair, distinguished members of the committee, once again, I would like to thank you for having the Canadian Association of Chiefs of Police present to you today during your study on Bill C-71. My name is Mario Harel, and I am appearing before you as President of the CACP.

Allow me to introduce my colleague Superintendent Gordon Sneddon, who is the supervisor of the Toronto Police Service organized crime enforcement unit. He also acts as a firearms advisor to the CACP.

I can't speak to the extremes within this debate to either increase the number and fire power of guns or prohibit all firearms. I can only speak to what I believe is the position of most Canadians, who are law-abiding and who balance their individual privileges with the broader rights of society. They understand and support regulations that, as much as possible, place a priority on public safety and the protection of the most vulnerable among us. They, in my view, represent the very premise of a just and responsible society.

We believe that the Minister of Public Safety has appropriately conveyed a very disturbing trend of gun violence that continues in Canada despite reduced crime rates. Between 2013 and 2015, there was a 30% increase in criminal incidents involving firearms. Gun homicides were up by 60%. Intimate partner and gender-based violence involving the use of a firearm was up by one-third.

Gang-related homicides, the majority of which involve guns, were up by two-thirds, as well. Break-ins for the purpose of stealing guns were up by 56%. In 2016, 31% of all gun-related homicides involved the use of non-restricted firearms. Even more troubling is the fact that about 50% of all handguns used in crime that we have been able to trace were diverted from legal Canadian firearm owners.

Without concrete action, we do not foresee any changes to this growing trend. We need protections to help mitigate the impact of the worst outcomes of gun violence, even if those protections place requirements on law-abiding firearm owners. It is important to state that we support this legislation, not because it is panacea to gun violence, but because it is part of an overall strategy to help prevent victimization by way of a firearm.

To the best of our ability, we need to minimize opportunities for criminals to continue to wreak havoc in our communities, not only in major centres like Toronto and Vancouver, but throughout Canada. There is no doubt that further action is required, and we, as police leaders, will be developing a broader position in the near future. I would like to highlight a few of the areas of the bill that we believe are very important and suggest a few amendments to further strengthen it. I do so from the lens of law enforcement agencies' core responsibilities—the safety and security of all Canadians.

This legislation changes enhanced background checks on those seeking to acquire firearms beyond five years, so the applicant's full record, as it relates to violence and criminal behaviour, can be taken into account. We are very supportive of this change and, in fact, we would support calls for physicians to be required to advise authorities if, in their expert opinion, they felt that a person should not be in possession of a firearm for the safety of themselves or the public. This is much like the concept of revoking a driver's license given health concerns.

The requirement that, when a non-restricted firearm is transferred, the buyer must produce his or her firearms license and the vendor must verify its validity is critical in our view. Currently, license verification is voluntary.

● (1200)

Unfortunately, non-restricted firearms are being sold to and purchased by individuals without appropriate verification taking place.

Too often, we witness these firearms getting into the hands of those who are subject to prohibition orders or bound by recognizance. This is particularly noticeable when it comes to domestic violence cases. Additionally, we have seen cases where a stolen or fraudulently obtained licence was used in online sales to purchase firearms.

As domestic firearms trafficking cases increase, this initiative will also allow police to better identify mass purchases of firearms where the purchase patterns suggest illegal resale. Therefore, the ability to trace non-restricted firearms that have been used in crime will be improved.

Regarding record-keeping by vendors, I would say that most reputable businesses are already doing this for their own purposes. Since the long gun registry was abolished, the police have been effectively blind to the number of transactions by any licenced individual relating to non-restricted firearms. The absence of such records effectively stymies the ability to trace a non-restricted firearm that has been used in crime. The tracing of a crime gun can assist in identifying the suspect of a crime and criminal sourcing of a trafficking network.

When the serial number is known, the Canadian National Firearms Tracing Centre can provide the information about the vendor where the original sale took place. A production order must still be used to obtain the information about the buyer from the vendor.

The CACP submits that the standard to obtain such a specific order should be amended from "reasonable grounds" to "reason to suspect".

In the United States, it is interesting to note that they federally mandate each store to track and keep records of sales. The U.S. authorities also stated that one of their biggest issues is the sale of firearms through the secondary market, such as gun sales that are not recorded.

When it comes to the transportation of prohibited and restricted firearms, the CACP appreciates and supports this change as a positive step. This change to the legislation means that discretion is afforded to the chief firearms officer in determining limitations on the transporting of firearms.

It was our view that the prior change that allowed automatic authority to transport was too broad and allowed too much latitude for abuse. In practical terms, it allowed the licence holder to carry the firearm at all times, even if they were not forthcoming about their purpose and intent.

It also allowed for a false defence to be articulated at trial suggesting that the firearm was being transported to a border crossing, a gun show or a gunsmith. In short, it provided an escape route to a person who is willing to break the law.

Finally, a system in which Parliament defines the classes but entrusts experts in the Royal Canadian Mounted Police to classify firearms must be restored. We support elected officials determining firearm classes. However, we must rely on the professional expertise provided by the RCMP to classify firearms and do so without political influence. Their impartiality lies in public safety, which, as I stated earlier, must be given priority over individual privileges.

I will conclude by saying that we respect the debate that has occurred and the opposition to our views by those who simply want to hunt and engage in the sport of shooting. We do not wish to punish law-abiding citizens for the illegal actions of criminals. However, we want law-abiding citizens to accept their responsibilities and adhere to a set of laws and regulations targeted towards the safety and security of all Canadians.

Thank you.

The Chair: Thank you.

[*English*]

The next witnesses are from the Criminal Lawyers' Association, Mr. Friedman and Mr. Mansour.

The next 10 minutes are yours.

● (1205)

Mr. Solomon Friedman (Criminal Defence Counsel, Criminal Lawyers' Association): Mr. Chair, vice-chairs, honourable members, thank you for inviting us to address you on the subject of Bill C-71.

My name is Solomon Friedman. I'm a criminal defence lawyer and a managing partner of Edelson and Friedman LLP. I'm joined today by my associate Mr. Fady Mansour. We're both members of the Criminal Lawyers' Association.

As you may know, the association comprises over a thousand criminal defence lawyers, many of whom practise in the province of Ontario, but some of whom are from across the country. It's both a privilege and a pleasure to be given the opportunity to appear before this committee to express our views on this particular piece of legislation.

The Criminal Lawyers' Association supports criminal law reform that is modest, fundamentally rational, and supported by objective evidence. On each of these measures, Bill C-71, in our view, fails to meet the mark.

First, the proposed reforms in Bill C-71 are unsupported by the evidence. In fact, in presenting its rationale for this bill, the government has misrepresented the objective statistical data to create the appearance of a problem that simply does not exist. As a society, we are the poorer for it when government promotes criminal legislation on a misunderstanding or, worse yet, a willful manipulation of what it claims is empirical evidence.

On May 8, 2018, the honourable Minister of Public Safety, Ralph Goodale, told this committee that between 2013 and 2016, the number of criminal incidents involving firearms rose by 30%. Gun homicides in that period went up by two-thirds. Those numbers are alarming. They give the clear impression that gun crime and homicide by firearm specifically are a rampant and increasing problem in our society.

With the greatest of respect to the minister, that is simply not the case. The year 2013, the starting point for the purported trend, was not chosen at random. As we now know, 2013 represents a statistical aberration in terms of violent crime and homicide in Canada. That year saw the lowest rate of criminal homicide in Canada in 50 years. To put that in perspective, every single year since 1966 has been worse than 2013, and it's not surprising that the three years following 2013 would be worse as well.

The truth of the matter is that homicide by firearm, in fact, has been steadily declining in Canada since the mid-1970s, and when an appropriate sample size is taken, the alarming trend that the minister purported to identify is seen for what it is: a selective manipulation of statistical data. The rate of homicide by firearm, when viewed over a 10-year period, a reasonable sample size, has remained relatively stable. In fact, it was slightly lower in 2016 than it was 10 years earlier, in 2006.

The same lack of empirical evidence extends to Minister Goodale's contention, echoed by others who have testified before this committee, that there has been some dramatic change in the sources of firearms used in crimes. They claim that these guns are increasingly being traced to domestic sources, such as break and enters or straw purchasers. These claims are anecdotal and wholly unsupported by Statistics Canada research on this topic. I cite no greater authority than Lynn Barr-Telford, director general of health, justice and special surveys at Statistics Canada who stated at the recent guns and gangs summit, "We don't know...the origin of firearms involved in gun crime" in Canada.

Surely if the numbers cited by certain police representatives were based on hard evidence, word of this would have reached Statistics Canada. That, however, is not the case.

Second, this committee should bear in mind that there is no stand-alone scheme for regulating firearms in Canada outside of the criminal law. Accordingly, any violation, no matter how minor or technical, engages the criminal law process. As all justice system participants know well, the criminal law is a blunt tool. It is more akin to a sledgehammer than a scalpel, and most importantly, it is an ill-suited implement of public policy. Indeed, this legislation creates new criminal offences where none were needed. For example, Bill C-71 will make it an offence for a firearm owner to transfer a firearm —meaning to give, sell, or barter—to another person without first obtaining a reference number from the registrar of firearms. Let me be clear: It is already a criminal offence to transfer a firearm to an individual who is not authorized to possess it.

● (1210)

Section 101 of the Criminal Code prohibits that precise conduct. It is punishable by a maximum of five years' imprisonment. In fact, I have personally represented retailers who have been charged under the existing scheme for failing to check licence validity.

The government says that the new provisions under Bill C-71 are required to ensure that firearms are not transferred without lawful authority. Not surprisingly, the existing offence under section 101 is entitled "Transfer without authority". However, under Bill C-71, one law-abiding licensed firearm owner can transfer a firearm to another law-abiding licensed firearm owner and still commit a criminal offence if the government is not duly notified. This does nothing more than create another trap for the unwary, a trap that carries with it criminal consequences. For what? It is not for actual public safety, but for the appearance of public safety.

With respect to one final area of Bill C-71 that is particularly worrisome, I'll give the balance of my opening time to my colleague, Mr. Mansour.

Mr. Fady Mansour (Criminal Defence Counsel, Criminal Lawyers' Association): Good afternoon.

Bill C-71 effectively removes parliamentary oversight over firearms classification decisions that can now be unilaterally made by the RCMP. This is both bad criminal law policy and bad precedent.

First, it is particularly troubling in light of the RCMP's history of questionable, and sometimes incorrect, technical classification decisions. Notwithstanding that history, however, this deference is inherently undemocratic. Bill C-71 would stand alone in our criminal law in giving a police agency the power to determine what is legal and what is illegal when it comes to firearms and related classification, and to punish such an infraction with criminal sanction.

As with many issues in public policy, reasonable people can disagree about the appropriate ways to classify and regulate firearms, but Bill C-71 takes that debate away from lawmakers, who are traditionally entrusted with wrestling with these complex and weighty policy matters. In fact, it's a complete reversal of our democratic process. In our system of responsible government, elected legislatures make laws and the police enforce them. Bill C-71 would turn that on its head. Once again, recall that these classification decisions made by the RCMP are more than just opinions about the legal status of firearms. They can, in an instant, transform an otherwise law-abiding citizen, a licensed firearm owner, into a criminal who is subject to criminal sanction.

I'll conclude by saying this: You have an offence that is in pith and substance regulatory in nature being punished with a criminal offence in a justice system that is currently plagued by extreme delays and that currently cannot handle, and is overburdened by, the number of cases before it. This would only make that problem worse.

Thank you very much for your time.

The Chair: Thank you.

Professor Mauser, you have the final 10 minutes.

Dr. Gary Mauser (Professor Emeritus, As an Individual): Thank you very much, Mr. Chairman and members of the committee. I appreciate this opportunity to appear before you.

I am Gary Mauser, professor emeritus at Simon Fraser University. As part of my academic duties, I have published in criminology and political science journals for more than 20 years. My presentation is based on Statistics Canada data, not heart-rending anecdotes.

Bill C-71 ignores violent crime completely and merely harasses law-abiding people. It is a distraction from the real problems. Canada has a gang problem, not a gun problem.

Two-thirds of gun murders in 2016 were gang related. Most of these were in our bigger cities. As you can tell, gang crime and gang-related homicides have been increasing for over a decade. They declined for a while, but since Mr. Goodale's magic date they have increased again. Increases in gang-related homicide is what accounts for the recent increase.

Bill C-71 also ignores the suffering of aboriginal Canadians. These aboriginal-against-aboriginal crimes are what account for most of the violent crime in rural Canada. Public gun ownership does not threaten public safety.

Professor Gary Kleck, one of the most distinguished and well-respected criminology professors in the United States, recently reviewed a host of academic articles looking at the link between gun ownership and higher violent crime rates. He found a very strong relationship between the technical quality of the research. High-quality, well-done studies did not find a link. Those that were weak, poorly conducted, and possibly manipulated did find such a link. This suggests that public gun ownership is not linked to public safety.

Licensed Canadian gun owners are less dangerous and have a lower homicide rate than the rest of Canada. The national homicide rate is 1.85 over the time period I compared, and the licensed gun owners were one-third of that. This is not a dangerous group.

Rural Canada, where there are more guns per capita than urban Canada, has a lower percentage of misuse of firearms and homicide than does urban Canada.

The research is clear that general gun ownership is not the source of violent crime, so it is no surprise that general gun controls do not limit violent crime. An example is the Republic of Ireland, where they've virtually banned all firearms, although a few .22 target rifles were excluded, in an effort to stem the increase in murders. It did not work. It's a similar problem in Jamaica. These are island countries. You would think that you could control this easily. There is a total ban on firearms. A bullet would get you 10 years in jail and, for a gun, life in prison. No defence. You find it. You got it. The police charge you and you're in jail. That's it. It did not work. The homicide rate continued and still continues to increase.

● (1215)

The fundamental flaw of Bill C-71 is the assumption that gangsters somehow get their guns from law-abiding gun owners. This is predicated upon two false assumptions.

First of all, the police secretly changed the definition of "crime gun". They now have a bigger pool, so therefore it increases. By this definition, they increase the access of domestic sources.

Second, "domestic sources" falsely implies law-abiding firearms owners. Gang members cannot, statistically, get their guns primarily from legal sources. At the height of the long-gun registry, Stats Canada documented that 9% of the firearms involved in homicides were registered. This was at the height of the long-gun registry.

Why does Bill C-71 ignore more than 90% of guns used in homicides? Where do gang members get their guns? Sometimes the police are straightforward. The Toronto police chief says that 70% are smuggled. The Vancouver Police Department says that 90% are smuggled. Toronto Police Services say that 2% to 16% are stolen from Canadian owners.

Let's look at the change in definition. I claimed it was a change, so let's look at this so we can see in detail what's going on. The traditional definition of "crime gun" is any firearm that has been used or suspected of being used in a criminal offence, which means a violent offence. This is still the definition used by the FBI in the U.S., by the Home Office in the U.K., but no longer in Canada.

In the new RCMP decision, which was hidden from the public, hidden from Parliament—except that MP Bob Zimmer finally got a copy—we saw that a crime gun is now any firearm that is illegally acquired. This means that found guns are now included as crime guns. Somebody commits suicide by hanging themself and the police arrive at the scene and find a gun—a long gun or whatever—in the closet and confiscate it, and it's a crime gun.

Some old duffer like me forgets to renew his PAL. His guns are confiscated, and these are crime guns. Well, it's a crime to own a gun without a permit, so these are crime guns, but this is not what is traditionally meant by a "crime gun". It was not used in a crime; it was merely an administrative problem.

In fact, most firearms crime is administrative. Roughly 1,300 victims are injured each year by an aggressor using a firearm, but 10 times as many charges are laid for administrative firearms violations —roughly 15,000—and 2,000 of the 15,000 are for things like unsafe storage or paper permit difficulties.

You realize that any error—any error—on any paperwork submitted for your PAL is your fault. It's a criminal charge. Some 90% of these charges do not involve any additional violent crime. This is just some quiet, non-violent person being charged with a paperwork violation.

My final technical point is the definition of "domestic sources". This is not synonymous with PAL holders, as the minister would have us believe. There is a large pool of firearms in Canada of questionable legality. In 2001, when licensing was introduced, about one-third or one-half of then law-abiding Canadians declined to apply for a permit. The official estimates—this is not StatsCan data; this is Government of Canada data—for Canadian civilian gun owners ranged from three million to four million gun owners. Fewer than two million licences were issued.

To sum up, government has not provided solid justification for why more regulations would improve public safety. Indeed, the government has never provided a public report of an evaluation of the present system. Has it improved public safety? We don't know.

Other than police claims based on a secret, bloated definition, there's no support for the change in the source of crime guns. According to Stats Can, lawful owners cannot be a major source of crime guns. According to StatsCan, PAL holders are much less apt to commit murder than other Canadians.

● (1220)

Increased regulatory complexity does not mean greater public safety. Why is the government scapegoating PAL holders?

Thank you very much.

The Chair: That completes the witness testimony.

We're going to go to five-minute rounds until 1:30. We have an hour and five minutes for that.

I believe we're leading with Ms. Damoff. You have five minutes, please.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you, Chair, and thank you to all our witnesses for being here today.

I wanted to start with a question for the chiefs of police and the emergency physicians.

We had a brief submitted to us by Dr. Sinyor, I believe his name is. He's at Sunnybrook hospital. He's a suicide prevention expert and founder of the program of research and education to stop suicide. He was in support of Bill C-71, but he did suggest some amendments to it. One of them had to do with the background checks. As you know, we've extended the time period for background checks, but it's a very prescriptive criteria that are used.

One of his suggestions was, where the current criteria is when someone has a history of behaviour that includes violence, or threatened or attempted violence, to add "including public online behaviour". The second suggestion was to add the criteria "or for any other reason considered a threat to themselves or other". This is for the application for the licence.

I'm wondering if the emergency physicians and the chiefs of police can perhaps give me their opinions on that. Maybe the emergency physicians could start.

● (1225)

Dr. Atul Kapur: Thank you for the question.

It is in line with our recommendation as in our brief and as Dr. Drummond spoke to you about mandatory reporting by physicians of those at risk by virtue of severe mental illness, including temporary risk. Both of those provisions would be in line with our recommendation.

Ms. Pam Damoff: Do the chiefs of police have any thoughts on that?

[*Translation*]

Mr. Mario Harel: Quebec has the same practice under Anastasia's law. If a health professional has reasons to believe that an individual with a firearm is a threat to themselves or to the health and safety of those around them, they must report that risk to the police.

[*English*]

Ms. Pam Damoff: Sorry, this isn't a duty to warn, because, as much as I would like to have that, my understanding is that it's a provincial jurisdiction. This was adding that when someone is applying for a licence and you're looking at whether they have a criminal record, there's a number of criteria adding on to that, that they're a threat to themselves or others, or online public behaviour. We know that there have been a number of times where people have publicly posted things that would be triggers for someone looking at whether or not to approve a licence.

[*Translation*]

Mr. Mario Harel: Of course, we support any initiative to ensure the safety of Canadians. Right now, when we are told about individuals with risk behaviour online or on social media, we take action to find out whether they have firearms. We support an initiative whereby health professionals would be able to report to us, as soon as an individual applies for a license, if they have exhibited risk behaviours for their health or safety in the past.

[*English*]

Ms. Pam Damoff: I want to ask you about PolySeSouvient, one of our previous witnesses, who specifically said that there should be an automatic prohibition for a possession and acquisition licence where an applicant has a restraining order involving an intimate partner. Do you have any thoughts on that? Currently, that's not a restriction on getting a licence to own a firearm.

Superintendent Gordon Sneddon (Organized Crime Enforcement, Toronto Police Service, Canadian Association of Chiefs of Police): Good afternoon, and thank you.

I'll say just a little bit about me so you know where my thoughts are coming from.

Ms. Pam Damoff: We only have 45 seconds.

Supt Gordon Sneddon: Everybody is short. I manage the gun and gang task force and the drug squad in Toronto. It's really the practical application of the law as it relates to policing.

Back to your question.

From our perspective, that makes complete sense. It also makes complete sense to us as to why would you limit this background check to five years. Why would you not look at the person's overall —

Ms. Pam Damoff: We're extending it, right?

Supt Gordon Sneddon: Yes, and we agree with that position.

Ms. Pam Damoff: Yes.

Do I have time left?

The Chair: You have 15 seconds.

Ms. Pam Damoff: Should the ATT be extended or not between your home and a specific gun range as it was prior to the gun registry back between 1977...?

Supt Gordon Sneddon: The concern we had as a policing community when the change was made to extend the ATTs and the opportunities to transport was it allowed greater opportunity for abuse. I recognize that most gun owners are in fact lawful, but there is an element of them out there who are not law-abiding, the same as the—

The Chair: We'll have to leave it there.

Thank you, Ms. Damoff.

Mr. Motz, you have five minutes.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you, Chair.

Mr. Friedman, do you see anything in this bill that actually improves public safety?

Mr. Solomon Friedman: No. It's as simple as that. I'll tell you why.

Let's pick up on the very last thing this committee just heard about: the authorization to transport. Somebody who's in the business of applying for an authorization to transport is licensed, which means that they have been more heavily screened than probably any person in this room. Government security clearances don't touch on the daily screening through the Canadian firearms program that possession and acquisition licence holders are subject to. As a sports shooter, as a hunter myself, I get a background check every day. I don't know how many people in this room could say that —maybe some of the people at this table.

You have a pre-screened population for legality. Take a look at the authorization to transport. Think about it this way. It's a piece of paper, okay? It's not a lock. It's not a tracking device. The previous amendments under the prior government made perfect sense. They recognized that restricted firearms, when owned responsibly and legally, are used in legal and non public safety threatening activities all the time. It allowed for that instead of overburdening the system. That's what we're talking about. Every decision Parliament makes costs money; all these resources that the police use can be redirected away from true public safety concerns.

On the authorization to transport, I can't even imagine from anecdotal evidence.... I recall when the last amendments were being suggested under the previous government that Justin Trudeau, now our Prime Minister, said, "Well, this is going to allow people to take their gun to Tim Hortons." It was curious. Even in the language used today, I heard about "carrying" restricted firearms. Let's be clear: restricted firearms and prohibited firearms can't be carried. They can't be carried by anyone except the police officers that we trust to do it and a tiny subset of trappers and people living out in wilderness areas who get the most difficult to obtain public safety permits in our country.

Nobody is carrying restricted or prohibited firearms. They're either transporting them—and if they're transporting them, they're locked with a trigger lock in a box that is locked in their vehicle—or they're using them at a range. The moment you hear someone talking about carrying restricted or prohibited firearms, you know the entire premise of the discussion isn't based on the evidence.

That's my concern. I look at this bill and I don't see a targeting of public safety. I see a targeting of the licensed, law-abiding firearm owner population.

● (1230)

Mr. Glen Motz: Thank you. I'm sure if I let you that you would find a lot more holes in this legislation, but I want to move on to a different question for you, sir.

I know that you represent the Canadian Criminal Lawyers' Association. I have to say that in my previous life it was not a group that I particularly trusted.

Voices: Oh, oh!

Mr. Glen Motz: Having said that, you have made a lot of public comments on the new omnibus justice bill, Bill C-75. I'm curious to know, given what's happening with Bill C-71 and the hug-a-thug principle in Bill C-75, how you would compare and contrast Bill C-71 and Bill C-75.

Mr. Solomon Friedman: First of all, when you say "hug-a-thug", those are some of my clients, so let's all—

Voices: Oh, oh!

Mr. Glen Motz: Sorry.

Mr. Solomon Friedman: They're alleged thugs, okay?

I see a fundamental consistency, actually, between Bill C-71 and Bill C-75.

I have to tell you that a lot of defence lawyers were excited when the new government took office, because we were promised—what was that phrase again?—evidence-based decision-making. We were promised that empirical criteria would be used to reform criminal law. We were promised that it was going to be a brand new era.

I look at Bill C-71 and I look at Bill C-75, and I ask, where's the data? Instead what I see is the most regressive of thinking. We're not here to talk about Bill C-75. I could talk about Bill C-71 for a long time, so imagine what we could discuss when it comes to Bill C-75. Where did objective, evidence-based decision-making go? It's a profound concern to the Criminal Lawyers' Association.

We may be strange bedfellows, but we're all interested in one thing: a fair and just society where individuals are not deprived of their liberty without all of the protections that we take for granted as a society. That's what the Criminal Lawyers' Association wants. That's what parliamentarians want.

That's my fundamental question. How can we create more criminal law legislation that further increases the risk that individuals will be unjustly penalized when there's no data to support it? We see it in Bill C-71. We see it as well in Bill C-75.

Mr. Glen Motz: Thank you.

Mr. Mauser, I'll get to you in the next round, but for the brief time that I have left I want to applaud your comment that Canada doesn't have a gun problem, it has a gang problem. We know that and the evidence is very clear, and I appreciate your approach of using evidence to make decisions as opposed to rhetoric.

I know I don't have a lot of time and I will leave my questions for you to the next round.

The Chair: Thank you, Mr. Motz.

Mr. Dubé, for five minutes, please.

Mr. Matthew Dubé: Thank you very much, Chair, and thank you all for being here.

Mr. Mansour, I want to ask you some questions about how you characterize the RCMP classification. You used the phrase, circumventing our democratic process, and I'm just wondering about that, because the process that was actually in place was a Governor in Council recommendation. In other words, if that process existed, no one around this table who are elected MPs would actually have any say on that type of regulation.

Also, according to the information that I have, and perhaps I'm mistaken, there are 180,000 firearms that are classified in the reference table, something along those lines. That might not be exact but I'll use it for discussion purposes.

I'm wondering, given that the RCMP can make mistakes, what reason we would have to trust the cabinet to make those types of decisions, particularly when the cabinet of the day might be less ideologically friendly to some of the goals that seem to be attained.

● (1235)

Mr. Fady Mansour: For one thing, voters have recourse when it comes to cabinet. Voters have no recourse when it comes to the RCMP, and so you have decisions being made that instantly transform an individual from law-abiding to non-law-abiding, with no recourse.

Let's look at how that's going to be challenged. One, you can be charged with a criminal offence. You will spend an incredible amount of money trying to challenge that and in the end, if it's a meritorious challenge—

Mr. Matthew Dubé: I apologize for interrupting, but I just want to note that we had officials from the department here who said there is the ability to grandfather. If the RCMP changes the classification, would there not then be the ability to grandfather, to protect those same individuals from the type of situation you're talking about?

Mr. Fady Mansour: If they choose to use that provision. That's still within their discretion to actually use the grandfathering provision, and that would only be for that small subset of people who at that moment possess them.

The current grandfathering provision that's being put into this legislation has a small subset. It can't be passed on. The next person can't pass it on. The moment that person passes away or decides to no longer own it, that firearm must go to somebody else who is currently grandfathered, or it has to be destroyed or go to a policing agency to be destroyed.

The problem, what I was getting at, is you can't challenge these decisions. These instantly become criminal conduct or you're at least liable for criminal conduct, and might be stopped and charged with a criminal offence, and the moment you are charged, regardless of what the result is, your life will have changed for the worse. You'll have the stigma of a criminal offence, a firearms criminal offence, and the cost and the time that it takes to defend you. Even if you ultimately win, you have to go through that process, and in many cases you have lost your job and have the stigma of that offence, and that's a problem.

Mr. Matthew Dubé: This, again, is assuming that they don't use what are called deeming provisions that are now grandfathered.

Mr. Fady Mansour: Correct.

Mr. Matthew Dubé: Again, beyond the democratic accountability, though, I can't imagine cabinet has the same type of expertise as the RCMP. There are duelling things here. You're talking about cabinet being accountable to Canadians, and even then, arguably indirectly, with individual MPs being elected in ridings, but I'm just wondering how they would be better equipped beyond just being people disagreeing with the decision made by the RCMP in terms of the expertise.

Mr. Fady Mansour: Certainly. I think we have to remember that very few people have any expertise in this area because it doesn't actually exist. Many of these decisions are in fact arbitrary.

In order to define something as a variant of something else, it's oftentimes quite arbitrary, and so when it's an arbitrary decision being made and then sanctioned by criminal conduct, that's a problem. To say that the RCMP have some kind of expertise in making decisions is really giving credence to something that doesn't exist.

Mr. Matthew Dubé: Mr. Friedman, I have a question for you as well. You talked about the lack of data to illustrate the sources, where these firearms are coming from, whether they're smuggled across the border or whether they're domestic, and we can get into the debate about the appropriateness of that term.

Do you not believe that going back to the model that existed in the seventies, eighties, and nineties with regard to record-keeping by shops is not a good way to allow that data to exist? We've heard the police say such, that the number of firearms being sold without putting an onerous burden on those with PALs and also not putting an onerous burden on shops since most reputable businesses—and we hear this from everyone—do this already and it's the law in the U. S. as well.

Mr. Solomon Friedman: Yes. That's a really good question. I appreciate that.

We look at the system as it exists now. Firearm retailers track their sales. They do that internally. Those records to this day—I've actually seen it in criminal cases—can be the subject of judicial authorization. The police can go and get a warrant for those records, just like they can get a warrant to get the records of your having bought your last pair of sneakers. They can go and get that from any store.

We want to gather this data. The question then is as to how we are going about doing it. This law will do it on the pain of criminal sanction. When you and I think about—

The Chair: I apologize for interrupting.

I should have warned you earlier, Mr. Dubé, that you'd gone well over the time.

Mr. Solomon Friedman: I had a great answer, though.

The Chair: Yes, I'm sure the committee would be delighted to hear it.

Mr. Spengemann, you have five minutes, please.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Mr. Chair, thanks very much.

My first question is for Mr. Sneddon.

Mr. Sneddon, I represent Mississauga—Lakeshore, which is part of Peel region, Canada's fourth largest region.

I have some data here that takes us through 2015-16 on shootings, shootings being the discharge of a real firearm. The number of occurrences is up by 25%. The number of victims is up 58%. Estimated rounds fired are up 100%, the net number of rounds being 271 in 2016. We see similar trends in 2017.

I'm wondering if you could enlighten the committee on what you think this bill would do to address these trends. I know there are discussions about gangs. Much of the problem is gangs, and there are other mechanisms through which we address gangs. Nothing is done in isolation.

On the bill as you see it in front you, what would it do to help bring down the trends in these occurrences?

● (1240)

Supt Gordon Sneddon: The answer to that is really limited, really. To the point that was raised earlier, gangs are the problem, but it's the guns that the gangs bring with them that are the real problem. From my perspective, where did those guns come from? What's the source of those guns? As best as we're able to identify, steps that can be taken to enhance the police capacity to trace a firearm from its point of origin, from the point of manufacture to the scene of the crime, can be really important. Every gun tells a story. It's really important that we understand that. There are elements within this bill that help toward that. It won't solve the issue.

For example, right now as the law exists, for a non-restricted firearm used in a crime scene, there's no capacity to trace that to an individual. You have to start by going back all the way to the place of manufacture. Often when we go back to the place of manufacture, which is usually in the United States, they say they sold it to some company in Canada. You go to that company in Canada, and you trace it back from that point.

At least with the change and the verification process, it would be a help, and it would be of assistance to the chief firearms officers within the provinces. They'll be able to have some information to guide that police investigation.

Mr. Sven Spengemann: Thanks very much for that.

As a Liberal, I support responsible gun ownership. Hunting is part of the Canadian tradition not just as a recreational opportunity, but it's also big business. If we look at the sport of hunting, I think we're in the zone of multiple hundreds of millions of dollars annually. A component of that is tourism. It's national tourism week in Canada. We have lots of friends from around the world who join us for the sport of hunting, including Americans.

I'm wondering if you could tell the committee your views on this whole allegation that this bill is recreating the the long-gun registry that has been discarded? Explain perhaps the process that you would have to go through in accessing records under Bill C-71. What kind of burden would that impose on the vendors of firearms who are involved in the industry, the business, and the sport of hunting, if you will?

Supt Gordon Sneddon: There are multiple questions within that question.

Mr. Sven Spengemann: Feel free to unpack it in the remaining time.

Supt Gordon Sneddon: I will try to answer as best as I can.

I lost track of your question. I'm sorry.

Mr. Sven Spengemann: How much of a burden is it to the average Canadian firearms vendor to have to comply with the requirements under Bill C-71? What would it do to undermine, if at all, the sport of hunting?

Supt Gordon Sneddon: I guess it's a subjective question.

From my perspective, it doesn't present much of a burden, but other people might see it as presenting a burden. It's really that balance to the ability to maintain public safety and be able to identify the authors of a crime. It's really important from a policing and investigative perspective to be able to trace that firearm. I can't stress that enough.

Another thing is contained within that. We talked about time to crime. That's the time of manufacturing of the firearm to the time it appears on a crime scene. Sometimes that could be a year, five years, 10 years, or 20 years. Those records won't exist during that time frame. It's very unlikely that most businesses will maintain those records for that period of time without having vetted them or at least limited them.

Sometimes the time to crime could be as little as three days or a day. If you have that type of scenario, then you have a very clear indicator of who trafficked the firearm and how that firearm came to be used in a crime.

Mr. Sven Spengemann: Mr. Chair, I don't know how much time I have left.

The Chair: You have half a minute.

Mr. Sven Spengemann: Let me broach a question that I may have an opportunity to go back to.

I'm looking at an article from last week, which states, "Edmonton man pleads guilty in 'straw purchasing' weapons case". It was a case involving the purchase of 40 restricted firearms between June and September 2016.

How would this bill help us prevent cases of this nature?

Supt Gordon Sneddon: Are you talking about this—

The Chair: It's an important question, but he's left you no time to answer it. You can maybe work it back in at some other point.

Mr. Miller, welcome to the committee. You have five minutes, please.

● (1245)

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Thank you, Mr. Chair. It's good to be here.

To all of our guests, thank you very much for being here.

As Mr. Spengemann mentioned—I have a little variance from it; I'm a Conservative—I very much believe in responsible gun ownership, as most law-abiding gun owners do.

The statistics that Mr. Friedman and Mr. Mauser gave are the kinds of science-based information that should be there—present and responsible—when making legislation.

One thing Mr. Mauser said, I believe, was that if there's a transport infraction or some other minor thing, or if somebody commits suicide by hanging and yet they own a firearm, that becomes a gun-related crime or a gun crime.

Mr. Harel, would you confirm that, yes or no?

Mr. Mario Harel: It's a very specific one there. To consider that crime a gun crime, I would doubt it, but—

Mr. Larry Miller: So in your force it doesn't. Is that what you're saying?

Mr. Mario Harel: No, it doesn't.

Mr. Larry Miller: Okay.

I want to go to some statistics, which I believe you gave, Mr. Friedman.

Gang crime is up 66%. Stolen guns are up 56%, yet gun crime is up 33%. That means that in looking at those figures, it's very clear that with responsible, law-abiding firearms owners, the percentage of those where these crimes are committed is next to nil. It's not nil; stuff happens, which is unfortunate.

My question is for you, Mr. Harel and Mr. Sneddon, and my time is limited.

The government said that it wants to address stolen guns and gang crime, which I know you gentlemen do as well. Point to me in legislation, in 15 or 20 seconds, where this bill actually addresses those two things.

Supt Gordon Sneddon: I'm not sure that the bill addresses these things directly.

What it does do is it enhances police capacity to investigate. That's all it does. It doesn't go a whole long way into the forest, but it does bring some enhancements, from a policing perspective.

Mr. Larry Miller: Okay.

Would you not agree that most of those enhancements make it easier...and more of your investigations are directed at law-abiding firearms owners, not the actual illegal firearms and gang crimes?

Supt Gordon Sneddon: Our investigations in Toronto are toward the gang members, the gang crimes committed by those people, and also to the source of those firearms. It's an unfortunate reality. We've had cases in Toronto since 2012, where people who had legitimate purchase and acquisition licences and had been given the privilege of being able to purchase guns, in one case purchased 23 handguns that were disseminated onto the street; in another case it was 44. There were at least 15 or 16—

Mr. Larry Miller: Would you agree that's more the exception than the rule?

Supt Gordon Sneddon: It's a trend that's really disturbing. It's a trend that started—we identified it in Toronto—and it's a trend that has continued across Canada. We've seen evidence of it in Edmonton. We've seen evidence of it in British Columbia.

Mr. Larry Miller: Would you agree that most of those kinds of things came through organized crime, or definitely with a criminal element?

Supt Gordon Sneddon: Well absolutely there's a criminal element, because the criminal element were the ones enticing these people to go out there and purchase the guns. They had the capacity to go and purchase the guns for the criminal.

Mr. Larry Miller: How much time do I have, Mr. Chair?

The Chair: You have one minute.

Mr. Larry Miller: Mr. Mauser, with regard to this information you got, I have no reason to doubt it; I've seen similar information before.

Other than politics or sending a virtue signal, what other reason would there be for elected officials, or a government per se, to basically contort the evidence and use it to say it's dealing with illegal guns and gang crime, when really everybody knows that the testimony we've heard today tells us it won't?

Dr. Gary Mauser: My hearing here is impaired. The question is for me to—

The Chair: It was as much a statement as a question.

Mr. Larry Miller: It's definitely a question.

Dr. Gary Mauser: Is the question for me to hypothesize what the motive of this bill is, if it's not directed towards criminal violence?

Not being a savant or able to read Mr. Goodale's mind, or even the minds of the cabinet, all I can do is hypothesize. Politicians probably are interested in politics and have ideas that this would win rather than lose votes. It's also possible that Mr. Goodale does not know that the police have fudged the data. He may actually believe this is a useful thing, but since I don't know what is in his heart, I can't tell you.

● (1250)

The Chair: We're going to have to leave the hypothesis there. Thank you.

[*Translation*]

Mr. Hébert, welcome to the committee. You have five minutes.

Mr. Richard Hébert (Lac-Saint-Jean, Lib.): Thank you very much, Mr. Chair.

I thank the witnesses for their comments, which are mostly interesting, but occasionally very surprising. I am really surprised by what I have heard from a number of people. I won't say more about that.

My questions are for the Canadian Association of Emergency Physicians. Last week, the Canadian Coalition for Firearm Rights brought up a study by Caillin Langmann, a McMaster University researcher who identifies with the NRA. The gun lobby likes to use that study because it does not mention suicides by firearm.

On the other hand, a study by the Canadian Journal of Criminology and Criminal Justice indicates a reduction of 5% to 10% in firearm homicides following the implementation of statutes such as Bill C-71.

Mr. Drummond, can you talk about the science and research in this area?

[*English*]

Dr. Alan Drummond: This has been a very depressing conversation for me to listen to for the last half hour, as we've lost focus entirely on why we're here, which is public health and suicide prevention. We've gotten lost in the smaller percentage of criminality, guns and gangs. We may have failed in our opening statement to make it quite clear that the focus of your committee and of this legislation should be primarily on reducing the tragic suicide rate in Canada, which is one of the highest in the western world.

I'm grateful that you comment on Dr. Langmann, because a lot of people like to drag him out in support of their particular views or bias with respect to the relationships between guns and homicide. We're not going to talk about homicide, but I will mention that Dr. Langmann's article was published in a very obscure journal in 2012, when he was a resident. I believe clinically he's an outlier. Some of the evidence that he brought was subsequently addressed by the University of Montreal and found to be incorrect.

By contrast, there is a fabulous amount of direct, incontrovertible science in both *The New England Journal of Medicine* and the *Journal of the American Medical Association* that talks about the association between guns and intimate partner violence, homicide, and suicide. There is no reconciliation; the science is very strong.

The Chair: Do you want to weigh in on this as well?

[*Translation*]

Dr. Atul Kapur: Thank you for your question.

[*English*]

One of the points that we need to emphasize in our recommendations is that there needs to be more opportunity for research, more data gathering, and more information made available. That was a fundamental part of our recommendation, and it's been consistent that we need more of that.

I looked at Dr. Langmann's brief. It is diametrically opposed to the large consensus of literature on the effects of gun control, and on suicide specifically. While we're talking about red herrings, remember that three-quarters of firearm deaths in Canada are suicide. I want to emphasize that that is a much bigger provision. Our recommendations here address mostly that provision of preventing suicide deaths.

The Chair: You have one minute.

[*Translation*]

Mr. Richard Hébert: In the brief he sent to the members of the committee, Mr. Langmann maintains that firearm classification provides no benefit for public safety and should be scrapped. He also maintains that questions on previous suicide attempts, depression, psychological problems, divorce, separation, job loss and bankruptcy should be removed from the bill.

Does the Canadian Association of Emergency Physicians share that position?

[*English*]

Dr. Alan Drummond: Clearly not. We've been very consistent since 1995 and the original Bill C-68. This is our third appearance before a committee where we've always continually and comprehensively suggested that there is a gun problem in Canada. It might not be a criminal problem, but there is certainly a gun problem in Canada.

That gun problem is suicide and it's mental health. I get tired of the Bell let's make a statement day, where we pay lip service to depression.

Here is something that the Government of Canada can actually do with respect to reducing the tragic consequences of significant depression. I believe there is at least a good starting point in terms of keeping guns out of the hands of people who are at risk particularly of suicide. Suicidality by guns in Canada is not an urban crime problem; it's a rural indigenous peoples problem with perfectly legal weapons, such as the family rifle and the family shotgun. The diversion of discussion here towards crime and towards an outlying scientific researcher is quite disturbing.

● (1255)

The Chair: Thank you, Mr. Hébert.

Mr. Calkins is next, and then Mr. Dubé.

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): Thank you very much, Mr. Chair.

Mr. Sneddon, I believe it was you who responded to an earlier question about the chief firearms officer being able to help with an investigation. We had the minister and the public safety officials before the committee. When I questioned them about it, they said that the chief firearms officer, in his capacity to go into a store to look at records, is quite different from a police officer doing an investigation, which would require a warrant, yet your testimony seemed to indicate that the chief firearms officer would be able to assist with an investigation because they would have immediate access to the owner's records. Could you clarify that for me, please?

Supt Gordon Sneddon: I would be happy to.

You are right; the chief firearms officer has a different approach and actually different responsibilities than police. However, somewhere along the line, there is a meeting of the ways that does take place.

Sure, the police do have to get a warrant in some instances. I can tell you that there was a difference of opinion legally between the Canadian firearms program and counsel for it and the crown counsel within Ontario. They have a different perspective on what's viewed as private, and within a government record, what would require a production order and what wouldn't. However, since we're talking about this generating the necessity for a production order, one of the challenges is—

Mr. Blaine Calkins: Mr. Sneddon, I'm looking for some quick clarity on this. I only have a couple of minutes. Yes or no? They need a warrant to go in and search. Is that correct?

Supt Gordon Sneddon: It's not that clear.

Do you mean to search?

Mr. Blaine Calkins: Yes, to search.

Supt Gordon Sneddon: To search, yes, absolutely you would need a warrant.

Mr. Blaine Calkins: Thank you. I just want to be clear, because your testimony led me to believe that it wasn't the case.

Supt Gordon Sneddon: No, but there could be some information that could be shared between the different agencies.

Mr. Blaine Calkins: Of course, that would come out in a court of law through a chain of evidence and all those kinds of things.

Supt Gordon Sneddon: Absolutely, and the benefit to that, obviously, is that it's subject to that court scrutiny.

Mr. Blaine Calkins: Mr. Mauser, do you believe that the RCMP is the only organization in Canada that has technical firearm expertise?

Dr. Gary Mauser: No, of course not. The RCMP does have high-quality technical experts, but there are other organizations and individuals—many such. Some of these decisions are quite technical, and Canada and public safety would benefit by having their input as well.

Mr. Blaine Calkins: I agree with you that the RCMP should be every bit involved in making recommendations as to firearms classification as other actual technical experts would. However, they should not be the ones who are the sole source of that information or the sole source of that decision. Would you agree with that?

Dr. Gary Mauser: That's exactly right.

Mr. Blaine Calkins: The minister said in the testimony here that the RCMP is the only one that can be trusted to get the classification or the reclassification of a firearm right, and not politicians, yet in law the minister actually has not allowed the RCMP to classify certain firearms. The legislation before you actually prohibits or classifies specific variants of a number of firearms. Do you see any hypocrisy in that position? I'll leave this question open to you or Mr. Friedman.

Dr. Gary Mauser: I see a serious problem with that. Elected government officials—MPs and cabinet—are the people responsible for making these decisions. The RCMP is the technical repository and is incredibly useful and valuable, but it cannot be allowed to make the decisions by itself. It must be political.

Mr. Blaine Calkins: Go ahead, Mr. Friedman.

Mr. Solomon Friedman: Let me give you an analogy to that.

This is not about the RCMP giving advice to cabinet. That's wonderful and that's exactly the way responsible government works. This is akin to allowing the Department of Justice to pronounce on the guilt or innocence of an individual. That's not how it works. We have an open court process—

Mr. Blaine Calkins: If only you would have let me get to my next question, Mr. Friedman.

The Canadian firearms program is run by the RCMP. Would you agree with that statement?

● (1300)

Mr. Solomon Friedman: I would.

Mr. Blaine Calkins: If this legislation comes to pass, the RCMP will have, with the stroke of a pen, sole authority in law to classify or reclassify a firearm. Do you agree?

Mr. Solomon Friedman: Yes.

Mr. Blaine Calkins: Okay.

Are they the same organization, notwithstanding other police forces, who do the daily background check through the Canadian firearms program? Is that correct?

Mr. Solomon Friedman: They are.

Mr. Blaine Calkins: Do you not see a conflict of interest when, with the stroke of a pen, the organization that is changing the laws of the land is actually the same organization that is enforcing those laws?

Mr. Solomon Friedman: One of our most fundamental principles is that the police authority is subservient to the political authority. It's not for the purpose, obviously, of individual investigations or prosecutions but for the purpose of policy. You are here to set the policy—not the RCMP.

Mr. Blaine Calkins: Thank you very much.

Mr. Chair, if I can, I would like to make a quick point of order.

I want to clarify something. There was an opportunity when Mr. Spengemann asked Mr. Sneddon about retailers. I want to note that it would be nice to actually have the retail organizations here. They were left off the witness list and they were actually on a witness list that I proposed. I would suggest that if we actually want to hear from the retailers, we should allow them to testify at the committee.

The Chair: I don't think that's a point of order.

Mr. Dubé, you have five minutes.

Mr. Matthew Dubé: Thanks very much.

I do have other questions, but I have a question for Mr. Friedman about the conversation that just happened.

At the end of the day, Parliament is the one responsible for the definitions and the RCMP is operating off that. This seems different from the RCMP making the law. They're working with definitions that come under the purview of Parliament, correct?

Mr. Solomon Friedman: Let me give you an example of how the RCMP has recently done that. In Canada—

Mr. Matthew Dubé: I'm just asking. Parliament determines the definitions through—

Mr. Solomon Friedman: In theory, that's exactly how it should work, but in practice, it doesn't work that way. When the RCMP issues a bulletin with their.... Remember, it's nothing more than a legal opinion at this point. With their legal opinion, it has the force of law. In other words, individuals are arrested for it and they can be convicted and prosecuted. The Canada Border Services Agency, if they take that decision and disseminate it to all border crossings, will charge individuals with attempting to import what are now prohibited firearms but yesterday were non-restricted firearms, or sometimes even non-firearms at all.

I agree in theory that's how it should work, but that's not how it works and Parliamentary oversight is the only check on that power. For example, when the Swiss Arms or the CZ858 was classified, Parliament was able to say, "There's a problem here. There's a fundamental unfairness, and we're going to grant an amnesty." That can't happen anymore under Bill C-71.

Mr. Matthew Dubé: Again, the deeming provisions, the grandfathering in the bill, exist already and will remain unchanged. Wouldn't that same political incentive to go back on whatever decision the RCMP has made then create the same type of incentive for cabinet to deem?

Mr. Solomon Friedman: I'll say two things about the grandfathering provisions.

Number one, just grandfathering a firearm doesn't save what is ultimately a stripping of property rights from individuals. It renders the firearm non-transferable and essentially worthless. Particularly and often, many of the private firearms in Canada can't even be taken out of one's house to shoot on the shooting range. You say grandfather as if the status quo continues. It does not.

Second, and maybe it's because I'm a skeptical criminal lawyer, but I never trust when politicians say, "Don't worry, we're going to have the discretion to make this situation okay if we so deem."

Mr. Matthew Dubé: Isn't that the same thing as cabinet giving, with the RCMP classification, what you just said?

Mr. Solomon Friedman: Yes, but this puts the cart before the horse. It allows for the classification decision to go first in the hands of the RCMP. The very best Parliament can do under Bill C-71 is not declare it non-restrictive, not disagree with it, but give you permission to continue to be a criminal via grandfathering. That's not an acceptable answer. Amnesties are not for law-abiding citizens. We shouldn't have a system where the very best the government could do to redress an issue with the RCMP classification is to grant an amnesty.

Mr. Matthew Dubé: Thank you for your answer.

[*Translation*]

Mr. Harel, I have a question for you. I don't know whether you can talk about the system of records kept by vendors before 1995, I think, and about how that helped police forces in Canada.

Mr. Mario Harel: You are talking about green books, unless I am mistaken.

Mr. Matthew Dubé: Yes, exactly.

Mr. Mario Harel: In the context of monitoring firearm sales, those books helped ensure the ability to find the buyer of a firearm and check whether that firearm was sold to someone who was legally entitled to own it. As my colleague was saying, that was the starting point of any investigation when a firearm was used to commit a crime and its source had to be found.

● (1305)

Mr. Matthew Dubé: Was there a difference between the way those records were used and the way police used the registry?

Mr. Mario Harel: Absolutely, the registry gave instant access to the list of all firearms in Canada at the time, but before it existed, every vendor had to keep records, and we had to locate the firearm's owner, starting with the manufacturer and then moving on to the vendor. Green books are pretty different from the registry.

Mr. Matthew Dubé: In 2012, when the government of the day eliminated the registry, many people argued in favour of bringing back what was there before—those records. Do you agree with them?

Mr. Mario Harel: There's no doubt that, since the firearm registry was abolished, we have been unaware of the firearms that are sold. So our investigations are currently much more difficult.

Mr. Matthew Dubé: Thank you.

[*English*]

The Chair: Thank you, Mr. Dubé.

Ms. Dabrusin, you have five minutes.

The only person who hasn't asked a question is Mr. Fragiskatos. So, after Mr. Dabrusin, Mr. Fragiskatos, and assuming there's still time left, and assuming there's still opportunity, we can probably go on for another 10 to 15 minutes after that, so please indicate to the clerk who wants to speak.

Ms. Dabrusin, you have five minutes, and then Mr. Fragiskatos, you will have five minutes.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you.

Thank you to all of you.

Mr. Sneddon and Monsieur Harel, I have a letter here that was written by Mayor John Tory to Minister Goodale. In it he says:

> "What's particularly troubling to me is cases where certain licensed gun owners are able to amass small arsenals of handguns and that there are no red flags"
>
> —despite these purchases being registered on the Canadian Firearms Registry—
>
> "I was further shocked to learn that there is no limit on the number of firearms any one licensed gun owner can purchase and possess."

I was wondering if you could comment on that and whether you have any suggestions as how there could be red flags, or if there's a necessity for red flags.

Supt Gordon Sneddon: That's been the subject of discussion with the Canadian firearms program since late 2012. A number of measures have been put in place with a view to identifying at an early stage someone who may be doing that type of thing, who may be misusing their licence to purchase firearms to divert to the criminal market.

Ms. Julie Dabrusin: The reason I ask is that right now we're evaluating the current legislation and looking at how we can deal with these issues. This is an opportunity for you, if you have suggestions as to what we could put in place, so we can take them into account. Some of it may be procedural, some of it may be within this legislation.

Supt Gordon Sneddon: Those suggestions would be wide-ranging. My focus has been on Bill C-71, and Bill C-71 doesn't enter into that particular area in any great way.

Ms. Julie Dabrusin: It does require that the businesses record purchases, so there is that piece. What I'm trying to get at is, is there anything in that, or is there anything else that you would want to see that would be able to help us to respond to that issue? This is your chance, but you only have three minutes.

Mr. Mario Harel: We have to go back to centralize all the transactions of firearms.

[*Translation*]

We have to keep track of used firearms sold legally by legitimate owners to someone authorized to purchase them. How will we be able to track those transactions? We would need a regulatory requirement for all that information to be kept up to date by the Canadian Firearms Program so that people who purchase firearms in large quantities can be identified.

[*English*]

Ms. Julie Dabrusin: Part of the reason is I also was looking at an article that I believe was in the *Toronto Star* and it referred to maybe a lack of communication between different agencies. That's also referred to in Mayor Tory's letter. He was talking about the RCMP and the Canadian firearms program, and trying to exchange information to find those red flags. Can you help me understand what that is about? What is the challenge there?

● (1310)

[*Translation*]

Mr. Mario Harel: The challenge is really in terms of access to information.

The information compiled by the Canadian firearms program is used to check whether a firearm is bought legally by an individual who is legally authorized to do so.

Can that information be shared with the RCMP or other police services to identify people who purchase firearms from various sources in large quantities? That is the challenge. Regulations would be needed to make that sharing of information possible.

[*English*]

Ms. Julie Dabrusin: I understand because in the letter—and it has been referred to, I believe, in other documents as well that we've been receiving—is the fact that up to 50% of the firearms that are being found involved in crimes are domestically sourced. There has been reference to straw purchases. I know that my colleague, Mr. Spengemann, raised it.

You have about half a minute. What would we need to address that issue of straw purchases?

Supt Gordon Sneddon: I think that part has already been addressed.

The point I wanted to make was that with regard to any reference to 50%, it is important to recognize that's a qualified number. That's 50% of the firearms that are able to be traced. Not every firearm is able to be traced. Where Toronto police saw a change in the numbers over time.... Historically, for the longest time, the numbers had been 70-30: 70 from the U.S., 30 from Canadian sources. That changed around 2016 or 2017. The Toronto numbers for 2017 were 55-45, but as I understand it, across the rest of Canada the numbers may well be different. But it is important to recognize that it's—

The Chair: Thank you.

Thank you, Ms. Dabrusin.

Mr. Fragiskatos, you have five minutes, please.

Mr. Peter Fragiskatos (London North Centre, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for being here today.

Mr. Calkins is not here, Mr. Chair, but he did note a few moments ago that he has a desire to hear from gun vendors, which I think is important, but I can put them on the record right now. There is at least one gun vendor, and I have spoken to others who have not spoken publicly, but who are in favour of Bill C-71, who see no problem with it, who do not believe that it's a gun registry. In fact, I would like to read into the record the thoughts on Bill C-71 that one Ontario gun vendor has. His view on the bill is:

> [T]here's not been a real big change on the actual aspect of logging the customer's information and keeping on record what they've purchased. We already do it with ammunition, now they're just asking us to do it with guns. By doing it with guns we're going to give the police and the community the tool to begin to track where guns are purchased, how they're being trafficked and how they're being used, so that's not a bad thing.

He continues by saying, Mr. Chair, that Bill C-71 "just gives the police a starting point when they have to investigate a crime".

Under Bill C-71, as we've heard, at the point of sale, the date of purchase is now going to be required to be kept by gun vendors, as well as the firearms licence number, and the make and model of the firearm.

With that in mind, I would like to ask the police representatives here the following questions:

Under Bill C-71, is sale record information overseen by the RCMP in any way, yes or no?

Supt Gordon Sneddon: If you're talking about non-restricted firearms, I would say no.

Mr. Peter Fragiskatos: Are sales records maintained in a centralized database controlled by a government department or agency, yes or no?

Supt Gordon Sneddon: The only record is in relation to restricted and prohibited firearms. Non-restricted firearms are detailed in Bill C-71.

Mr. Peter Fragiskatos: Is there anything in the legislation that would grant the government access without a warrant to sales records maintained by a gun vendor, yes or no?

Supt Gordon Sneddon: I haven't read anything within the legislation to suggest that.

Mr. Peter Fragiskatos: Would any personal identifying information be kept by the firearms business, yes or no?

Supt Gordon Sneddon: I would hope so. From a policing perspective, I would hope so.

Mr. Peter Fragiskatos: I'm talking about personal identifying information.

Supt Gordon Sneddon: I don't know the answer to that.

Mr. Peter Fragiskatos: The answer is no.

I use that as—

Voices: Oh, oh!

Mr. Peter Fragiskatos: Have you read the legislation?

A voice: Yes, I have.

Mr. Peter Fragiskatos: It's very clear that personal identifying information—

A voice: Main address, phone number....

The Chair: Mr. Motz, this is Mr. Fragiskatos' time.

● (1315)

Mr. Peter Fragiskatos: This is not a gun registry. I think that important point needs to be put on the record. We continue to talk about it, but this is not a gun registry, despite the misleading ads that we continue to see, especially on social media and in other places.

Mr. Mauser, I want to ask you a question about some of your research. You have published on these issues. One of your articles is widely cited by the NRA in the United States and by the gun lobby in the United States. This article is called "Would Banning Firearms Reduce Murder and Suicide?" and was published in the *Harvard Journal of Law & Public Policy*. You co-authored it with Don Kates.

Is that a peer-reviewed journal?

Dr. Gary Mauser: It is an academic journal that is reviewed by law students, as are all legal journals.

Mr. Peter Fragiskatos: The journal describes itself, or at least the editors, as a student-edited law review that provides a forum for "conservative and libertarian legal scholarship".

The journal's past contents include an entirely repudiated article called "What is Marriage?" which argued that gay marriage is morally wrong. There are other articles in this vein of thinking.

Dr. Gary Mauser: It is a very respected article. It was cited by the U.S. Supreme Court in the Heller decision.

Mr. Peter Fragiskatos: Well, it's not a peer-reviewed journal. That's important, because, as you know—and we both taught in a university setting—peer review is important as far as research goes because peer review passes a very rigorous process, much more rigorous than simple submissions. Would you agree?

Dr. Gary Mauser: The Supreme Court—

Mr. Peter Fragiskatos: I'm asking, would you agree? I'm not sure about what the Supreme Court—

Dr. Gary Mauser: All law reviews are student reviews.

Mr. Peter Fragiskatos: Okay. Would you agree that peer review is important and the findings that are cited in a peer-reviewed journal are much more credible and reliable than articles that are submitted —

Dr. Gary Mauser: Peer review is very important, but it depends on your peers. Many of the medical journals have peers who are ignorant of statistics and ignorant of criminology. They are peers, and they review, so it depends completely on your peers. Law students, particularly at Harvard, are somewhat qualified in the law.

Mr. Peter Fragiskatos: It's not peer-reviewed. That's the point.

The Chair: It's interesting to know that.

Are you prepared to identify the person who you were quoting, just for the purposes of the record?

Mr. Peter Fragiskatos: I can submit that after the fact. Yes, I am prepared to. It's from a public article.

A voice: Can we all get that information?

Mr. Peter Fragiskatos: Yes. If you read one of these papers in eastern Ontario—I forget which one it is— it's all in there.

The Chair: I have Mr. Motz, but also Mr. Miller wants some time, so how you split five minutes is between you two.

Mr. Glen Motz: Do we only have five minutes left?

The Chair: We only have five minutes left, and then we have one more.

I guess, Mr. Spengemann will finish it up.

Mr. Glen Motz: Thank you, Chair.

Dr. Drummond, thank you for being here. My first question is for you.

Throughout my career I have had the misfortune, if you will, of attending far too many suicides, many of which I cannot erase from my memory.

A study in the *Harvard Journal of Law & Public Policy* found that while there is an obvious connection between firearm ownership rates and firearm suicide rates, there is no direct connection between firearm ownership rates and overall suicide rates. While it is logical to assume that the presence of a firearm can lead an individual who was contemplating suicide in the first place to act in a quicker fashion, so to speak, it seems that the facts don't always bear that out.

Would you not agree there are many more complex issues—the societal factors, sir, more than just the presence of a firearm—that have an influence on the suicide rate?

Dr. Alan Drummond: I would say that, certainly, there is clear and firm scientific evidence, and not from journals reviewed by law students but from real peer-reviewed journals which suggest that the presence of a gun in a home is associated with an increased risk of both suicide and intimate partner violence.

I, too, have attended far more than my share of deaths by firearm-related suicide. They're not pretty, and it would be sometimes nice, I think, to show pictures of these scenes so that.... This kind of legalese that we get into really doesn't portray the actual picture. There is no doubt there are multiple methods of potential suicide uses that could be tried, but there is equally no doubt that if you put a gun to your head and pull the trigger, you're not surviving.

The purpose of our being here today is to say suicide is a substantial risk in Canada. It's a substantial public health problem, and guns certainly increase the lethality of that suicide attempt. Some would argue, falsely, that if you aren't successful with one method, then you might go to another. That really hasn't been borne out in the literature. Suicide is, by its very definition, an impulsive act, often decided within minutes of actually pulling the trigger. We're not talking about restricting firearms in the home. Let's not get this confused. What we are talking about is that if somebody is identified as being potentially at risk for suicide then that gun, temporarily, at least, is removed from the home.

● (1320)

Mr. Glen Motz: Thank you, Dr. Drummond. I will make a statement that we support the idea that the whole idea of firearms safety is about ensuring that public safety is the driving force behind that. Having the ability to ensure that those who should not have firearms do not acquire firearms is certainly part of that process.

Mr. Mauser, I will finish my questions with you.

According to your research, firearms licence holders are approximately one-third less likely to commit a firearms crime than a member of the general public. Having said that, I have two questions. In your opinion, do you see anything in Bill C-71, which is before us, that really addresses gun crime? Do you think that the combination of approaches we are seeing proposed in Bill C-75, reducing the sentencing for gang membership, is appropriate given what we're trying to accomplish in Bill C-71?

Dr. Gary Mauser: Thank you for the question.

No, I do not see anything in Bill C-71 that will reduce or work to reduce gun crime by violent people who are either suicidally inclined or criminally inclined. This bill merely multiplies the hurdles that already law-abiding, already vetted people must endure to transfer, to buy, and to own firearms.

Bill C-75 deals with punishment, the incarceration of people who have committed crimes. Most criminologists would argue that we need to keep focused on the violent criminals, not the good people.

Thank you.

The Chair: Thank you, Mr. Motz.

Mr. Spengemann has the final five minutes, and I see Mr. Fragiskatos is quite antsy.

A voice: It's just a brief, 30-second or 15-second—

The Chair: Okay, it's between Mr. Spengemann and Mr. Fragiskatos.

Mr. Sven Spengemann: I'm actually going to share part of my time with Ms. Damoff, but I have a brief final question for Monsieur Harel, *s'il vous plaît*.

When you were elected as president of the CACP, you identified the inquiry into missing and murdered indigenous women and girls as one of your focal points. I'm wondering if you could tell the committee very briefly, given that this group of Canadians is at elevated risk of violence and homicide, what this bill, in your mind, would do to help reduce that risk.

Mr. Mario Harel: Quite frankly, in the first nations community, we want the government to address the social issues, the social root causes of the problem.

[*Translation*]

So it is important to ensure the health and safety of those individuals. With the help of the physicians here today, I think we can implement mechanisms to identify situations in which those individuals are at risk, and to intervene proactively and save lives. I think that is the gist of my message.

[*English*]

Mr. Sven Spengemann: Presumably also the mental health component is part of that.

[*Translation*]

Mr. Mario Harel: Exactly. There are major challenges in that area.

Mr. Sven Spengemann: Thank you.

[*English*]

Ms. Pam Damoff: Thank you very much.

Dr. Drummond, I want to thank you very much for bringing us back to what's important here, and that is saving lives. Do you think Bill C-71 will save lives?

Dr. Alan Drummond: Yes. I would point out, however, that I think we need to take this one step further. It's good to do background checks, but it's more important to allow physicians to identify those at risk and, temporarily at least, remove something that would change the lethality of any potential suicide attempt. That is not in this legislation. I don't understand the politics of legislation, but if we were going to call for an amendment, we would strongly suggest that a component would be mandatory reporting.

● (1325)

Ms. Pam Damoff: Thank you, Dr. Drummond.

We've also heard testimony around intimate partner violence and the fact that firearms are used. In Ontario, the coroner's review showed that 26% of intimate partners who were killed were killed with firearms. You have mentioned that a couple of times as well.

I just want to thank you for getting that on the record. Sometimes it gets lost in the hyperbole that tends to follow this type of legislation.

I am going to turn it over to my colleague.

The Chair: We have a little more than two minutes left.

Mr. Peter Fragiskatos: This is just a point of clarification, Mr. Chair.

In case there was confusion on my question about the retention of personal information, my point was that nothing in Bill C-71 creates a centralized database of personal information that would be held by government.

In case there was a question about that, that's what I meant to say. I'm sorry if there was confusion.

The Chair: Thank you.

I was going to turn to you, Mr. Miller, for the last couple of minutes.

Mr. Larry Miller: Well, then, I can address that. I thank you for that, Mr. Chair.

Just on that note, it's not held by government—Mr. Fragiskatos is correct—but government has access to it with a process.

Mr. Peter Fragiskatos: With a warrant; with respect, government can access it with a warrant.

Mr. Larry Miller: Yes, exactly.

Anyway, I just want to read something here that's on the government website. We all know what Mr. Goodale and everybody is saying, that it's not a registry. This states:

> The information that must be retained is also limited to basic information about a transaction: the reference number issued by the Registrar; the day on which the reference number was issued; the transferee's licence number; and the firearm's make, model, type and serial number.

In my opinion, and in the opinion of a lot of other people, this points to a registry, because that's what a registrar looks after.

Mr. Friedman and Mr. Mauser, regardless of Mr. Fragiskatos, who's drunk the ministerial Kool-Aid, would this point to a registry, in your opinion?

Mr. Friedman.

The Chair: You have less than a minute.

Mr. Solomon Friedman: Well, I won't need a minute.

If it walks like a registry, talks like a registry, and even seems to quack like a registry, it's a registry.

Mr. Larry Miller: Thank you.

Mr. Mauser.

Dr. Gary Mauser: I agree totally.

Mr. Larry Miller: Okay.

Am I out of time?

The Chair: You are, yes. Thank you.

Before I thank the witnesses on behalf of the committee, I want to note that Carole Savard, who has been an interpreter here for 35 years, is retiring at the end of this week. This is her last time with us.

Now, apparently she has already left, in part because we went on. At any rate, on behalf of the committee, and I'm certain on behalf of all parliamentarians, I want to thank her for her 35 years of faithful service.

Some hon. members: Hear, hear!

The Chair: In addition, on behalf of the committee, I want to thank each of the witnesses. This has certainly been a lively panel.

With that, we will adjourn until next Thursday.

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